

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID JACK ROGERS,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-5332FDB

ORDER DENYING  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*

The Magistrate Judge recommends that the application to proceed *in forma pauperis* be denied because Petitioner paid the filing fee at the time he filed his petition. Petitioner objects stating that he wishes to proceed IFP as to additional expenses for appointment of counsel or costs. These latter matters were not the subject of the denial of the original application and may be addressed later, if appropriate.

The Court, having reviewed the report and recommendation, Petitioner's application to proceed *in forma pauperis*, Petitioner's objections, and the remaining record, hereby finds and ORDERS:

- (1) The Magistrate Judge's report and recommendation is approved and adopted;
- (2) Petitioner's application to proceed in forma pauperis is DENIED.
- (3) The Clerk is directed to send directed to send copies of this Order to petitioner.

DATED this 13<sup>th</sup> day of July 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE